

UNITED STATES COURT OF APPEALS  
FOR THE FIFTH CIRCUIT

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No. 99-30696  
Summary Calendar

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OLUGBENGA BALOGUN,

Petitioner-Appellant,

versus

IMMIGRATION AND NATURALIZATION  
SERVICE; JOHN B.Z. CAPLINGER,

Respondents-Appellees.

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Appeal from the United States District Court  
for the Western District of Louisiana  
USDC No. 93-CV-94  
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December 1, 1999

Before SMITH, BARKSDALE, and PARKER, Circuit Judges.

PER CURIAM:\*

Olugbenga Balogun appeals from the district court's denial of his motion to reopen his habeas corpus proceedings. He has filed a motion with this court to proceed in forma pauperis (IFP) on appeal. Balogun argues that he was improperly deported after this court's remand of his case to the district court in 1993, before an evidentiary hearing could be held. We have reviewed the record and conclude that Balogun has not demonstrated that he will present a nonfrivolous issue on appeal. Accordingly,

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\* Pursuant to 5TH CIR. R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR. R. 47.5.4.

Balogun's motion to proceed IFP on appeal is DENIED and the appeal is DISMISSED. See 5TH CIR. R. 42.2. Balogun's requests for release pending appeal and for the entry of summary and default judgment are also DENIED.